

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 495

FINAL READING

Introduced by Friend, 10.

Read first time January 20, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections
2 15-268, 16-117, 16-230, 17-405.01, 17-563, and 19-916,
3 Reissue Revised Statutes of Nebraska; to require notice
4 of annexation as prescribed; to change provisions
5 relating to the control of weeds and worthless
6 vegetation; to provide for annexation by certain cities;
7 to change provisions relating to the platting of
8 additions; to harmonize provisions; and to repeal the
9 original sections.

10 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A city of the first or second class or
2 village shall provide written notice of a proposed annexation to
3 the owners of property within the area proposed for annexation in
4 the manner set out in this section.

5 (2) Initial notice of the proposed annexation shall be
6 sent to the owners of property within the area proposed for
7 annexation by regular United States mail, postage prepaid, to the
8 address of each owner of such property as it appears in the
9 records of the office of the register of deeds or as the address
10 is determined from another official source, postmarked at least
11 ten working days prior to the planning commission's public hearing
12 on the proposed change with a certified letter to the clerk of
13 any sanitary and improvement district if the annexation includes
14 property located within the boundaries of such district. Such
15 notice shall describe the area proposed for annexation, including
16 a map showing the boundaries of the area proposed for annexation,
17 and shall contain the date, time, and location of the planning
18 commission's hearing and how further information regarding the
19 annexation can be obtained, including the telephone number of
20 the pertinent city or village official and an electronic mail or
21 Internet address if available.

22 (3) A second notice of the proposed annexation shall be
23 sent to the same owners of property who were provided with notice
24 under subsection (2) of this section. Such notice shall be sent by
25 regular United States mail, postage prepaid, to the owner's address

1 as it appears in the records of the office of the register of
2 deeds or as the address is determined from another official source,
3 postmarked at least ten working days prior to the public hearing of
4 the city council or village board on the annexation. Such notice
5 shall describe the area proposed for annexation, including a map
6 showing the boundaries of the area proposed for annexation, and
7 shall contain the date, time, and location of the hearing and
8 how further information regarding the annexation can be obtained,
9 including the telephone number of the pertinent city or village
10 official and an electronic mail or Internet address if available.

11 (4) No additional or further notice beyond that required
12 by subsections (2) and (3) of this section shall be necessary if
13 the scheduled public hearing by the planning commission or city
14 council or village board on the proposed annexation is adjourned,
15 continued, or postponed until a later date.

16 (5) Except for a willful or deliberate failure to cause
17 notice to be given, no annexation decision made by a city of the
18 first or second class or village to accept or reject a proposed
19 annexation, either in whole or in part, shall be void, invalidated,
20 or affected in any way because of any irregularity, defect, error,
21 or failure on the part of the city or village or its employees
22 to cause notice to be given as required by this section if a
23 reasonable attempt to comply with this section was made. No action
24 to challenge the validity of the acceptance or rejection of a
25 proposed annexation on the basis of this section shall be filed

1 more than one year following the date after the formal acceptance
2 or rejection of the annexation by the city council or village
3 board.

4 (6) Except for a willful or deliberate failure to cause
5 notice to be given, the city of the first or second class or
6 village and its employees shall not be liable for any damage to
7 any person resulting from failure to cause notice to be given
8 as required by this section if a reasonable attempt was made to
9 provide such notice. No action for damages resulting from the
10 failure to cause notice to be provided as required by this section
11 shall be filed more than one year following the date of the formal
12 acceptance or rejection of the proposed annexation, either in whole
13 or in part, by the city council or village board.

14 (7) For purposes of this section, owner means the owner
15 of a piece of property as indicated on the records of the office
16 of the register of deeds as provided to or made available to the
17 city of the first or second class or village no earlier than the
18 last business day before the twenty-fifth day preceding the public
19 hearing by the planning commission on the annexation proposed for
20 the subject property.

21 Sec. 2. Section 15-268, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 15-268 A ~~primary~~ city of the primary class may provide
24 for the destruction and removal of weeds and worthless vegetation
25 growing upon any lot or lots or lands within the corporate limits

1 of such city or upon the streets and alleys abutting upon any
2 lot or lots or lands, and such city may require the owner or
3 owners of such lot or lots or lands to destroy and remove the same
4 therefrom and from the streets and alleys abutting thereon. If the
5 ~~owner or owners fail, neglect, or refuse,~~ after five days' notice
6 by publication, or ~~or~~ by certified United States mail, or by the
7 conspicuous posting of the notice on the lot or land upon which the
8 nuisance exists, the owner or owners fail, neglect, or refuse to
9 destroy or remove the ~~same,~~ nuisance, the city, through its proper
10 officers, shall destroy and remove the ~~same~~ nuisance, or cause the
11 ~~same~~ nuisance to be destroyed or removed, from the lot or lots or
12 lands and streets and alleys abutting thereon and shall assess the
13 cost thereof against such lot or lots or lands, as provided by
14 ordinance.

15 Sec. 3. Section 16-117, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 16-117 (1) Except as provided in sections 13-1111 to
18 13-1120 and section 4 of this act and subject to this section,
19 the mayor and city council of a city of the first class may
20 by ordinance at any time include within the corporate limits of
21 such city any contiguous or adjacent lands, lots, tracts, streets,
22 or highways as are urban or suburban in character and in such
23 direction as may be deemed proper. Such grant of power shall not
24 be construed as conferring power upon the mayor and city council
25 to extend the limits of a city of the first class over any

1 agricultural lands which are rural in character.

2 (2) The invalidity of the annexation of any tract of land
3 in one ordinance shall not affect the validity of the remaining
4 tracts of land which are annexed by the ordinance and which
5 otherwise conform to state law.

6 (3) The city council proposing to annex land under the
7 authority of this section shall first adopt both a resolution
8 stating that the city is proposing the annexation of the land and a
9 plan for extending city services to the land. The resolution shall
10 state:

11 (a) The time, date, and location of the public hearing
12 required by subsection (5) of this section;

13 (b) A description of the boundaries of the land proposed
14 for annexation; and

15 (c) That the plan of the city for the extension of city
16 services to the land proposed for annexation is available for
17 inspection during regular business hours in the office of the city
18 clerk.

19 (4) The plan adopted by the city council shall contain
20 sufficient detail to provide a reasonable person with a full and
21 complete understanding of the proposal for extending city services
22 to the land proposed for annexation. The plan shall (a) state
23 the estimated cost impact of providing the services to such land,
24 (b) state the method by which the city plans to finance the
25 extension of services to the land and how any services already

1 provided to the land will be maintained, (c) include a timetable
2 for extending services to the land proposed for annexation, and
3 (d) include a map drawn to scale clearly delineating the land
4 proposed for annexation, the current boundaries of the city, the
5 proposed boundaries of the city after the annexation, and the
6 general land-use pattern in the land proposed for annexation.

7 (5) A public hearing on the proposed annexation shall be
8 held within sixty days following the adoption of the resolution
9 proposing to annex land to allow the city council to receive
10 testimony from interested persons. The city council may recess
11 the hearing, for good cause, to a time and date specified at the
12 hearing.

13 (6) A copy of the resolution providing for the public
14 hearing shall be published in the official newspaper in the city
15 at least once not less than ten days preceding the date of the
16 public hearing. A map drawn to scale delineating the land proposed
17 for annexation shall be published with the resolution. A copy of
18 the resolution providing for the public hearing shall be sent by
19 first-class mail following its passage to the school board of any
20 school district in the land proposed for annexation.

21 (7) Any owner of property contiguous or adjacent to a
22 city of the first class may by petition request that such property
23 be included within the corporate limits of such city. The mayor and
24 city council may include such property within the corporate limits
25 of the city without complying with subsections (3) through (6) of

1 this section.

2 (8) Notwithstanding the requirements of this section, the
3 mayor and city council are not required to approve any petition
4 requesting annexation or any resolution or ordinance proposing to
5 annex land pursuant to this section.

6 Sec. 4. (1) The provisions of this section shall govern
7 annexation by a city of the first class located in whole or in part
8 within the boundaries of a county having a population in excess of
9 one hundred thousand inhabitants but less than two hundred thousand
10 inhabitants.

11 (2) Except as provided in sections 13-1111 to 13-1120 and
12 subject to this section, the mayor and city council of a city of
13 the first class described in subsection (1) of this section may
14 by ordinance at any time include within the corporate limits of
15 such city any contiguous or adjacent lands, lots, tracts, streets,
16 or highways as are urban or suburban in character and in such
17 direction as may be deemed proper. Such grant of power shall not
18 be construed as conferring power upon the mayor and city council to
19 extend the limits of such a city over any agricultural lands which
20 are rural in character.

21 (3) The invalidity of the annexation of any tract of land
22 in one ordinance shall not affect the validity of the remaining
23 tracts of land which are annexed by the ordinance and which
24 otherwise conform to state law.

25 (4) Any owner of property contiguous or adjacent to such

1 a city may by petition request that such property be included
2 within the corporate limits of such city.

3 (5) Notwithstanding the requirements of this section, the
4 mayor and city council are not required to approve any petition
5 requesting annexation or any resolution or ordinance proposing to
6 annex land pursuant to this section.

7 (6) Not later than fourteen days prior to the public
8 hearing before the planning commission on a proposed annexation
9 by the city, the city clerk shall send notice of the proposed
10 annexation by certified mail, return receipt requested, to any
11 of the following entities serving customers in such city or in
12 the area proposed for annexation: Any natural gas public utility
13 as defined in section 66-1802; any natural gas utility owned
14 or operated by the city; any metropolitan utilities district;
15 any public power district; any public power and irrigation
16 district; any municipality; any electric cooperative; and any
17 other governmental entity providing electric service. Such notice
18 shall include a copy of the proposed annexation ordinance, the
19 date, time, and place of the public hearing before the planning
20 commission on the proposed annexation ordinance, and a map showing
21 the boundaries of the area proposed for annexation.

22 (7) Prior to the final adoption of the annexation
23 ordinance, the minutes of the city council meeting at which
24 such final adoption was considered shall reflect formal compliance
25 with the provisions of subsection (6) of this section.

1 (8) No additional or further notice beyond that required
2 by subsection (6) of this section shall be necessary in the
3 event (a) that the scheduled city council public hearing on the
4 proposed annexation is adjourned, continued, or postponed until a
5 later date or (b) that subsequent to providing such notice the
6 ordinance regarding such proposed annexation was amended, changed,
7 or rejected by action of the city council prior to formal passage
8 of the annexation ordinance.

9 (9) Except for a willful or deliberate failure to cause
10 notice to be given, no annexation decision made by a city either
11 to accept or reject a proposed annexation, either in whole or in
12 part, shall be void, invalidated, or affected in any way because
13 of any irregularity, defect, error, or failure on the part of the
14 city or its employees to cause notice to be given as required by
15 this section if a reasonable attempt to comply with this section
16 was made.

17 (10) Except for a willful or deliberate failure to cause
18 notice to be given, the city and its employees shall not be
19 liable for any damage to any person resulting from any failure
20 to cause notice to be given as required by this section when a
21 reasonable attempt was made to provide such notice. No action for
22 damages resulting from the failure to cause notice to be provided
23 as required by this section shall be filed more than one year
24 following the date of the formal acceptance or rejection of the
25 proposed annexation, either in whole or in part, by the city

1 council.

2 (11) No action to challenge the validity of the
3 acceptance or rejection of a proposed annexation on the basis of
4 this section shall be filed more than one year following the date
5 of the formal acceptance or rejection of the annexation by the city
6 council.

7 Sec. 5. Section 16-230, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 16-230 (1) A city of the first class by ordinance may
10 require lots or pieces of ground within the city or within
11 two miles of the corporate limits of the city the city's
12 extraterritorial zoning jurisdiction to be drained or filled so
13 as to prevent stagnant water or any other nuisance accumulating
14 thereon. ~~It~~ Except as provided in subsection (6) of this section,
15 the city may require the owner or occupant of all lots and
16 pieces of ground within the city to keep the lots and pieces
17 of ground and the adjoining streets and alleys free of any
18 growth of twelve inches or more in height of weeds, grasses, or
19 worthless vegetation, and it may prohibit and control the throwing,
20 depositing, or accumulation of litter on any lot or piece of ground
21 within the city.

22 (2) ~~Any~~ Except as provided in subsection (6) of this
23 section, any city of the first class may by ordinance declare it
24 to be a nuisance to permit or maintain any growth of twelve inches
25 or more in height of weeds, grasses, or worthless vegetation or to

1 litter or cause litter to be deposited or remain thereon except in
2 proper receptacles.

3 (3) Any owner or occupant of a lot or piece of ground
4 shall, upon conviction of violating ~~such~~ any ordinance authorized
5 under this section, be guilty of a Class V misdemeanor.

6 (4) Notice to abate and remove such nuisance shall be
7 given to each owner or owner's duly authorized agent and to the
8 occupant, if any, by personal service or certified mail. If notice
9 by personal service or certified mail is unsuccessful, notice shall
10 be given by publication in a newspaper of general circulation in
11 the city or by conspicuously posting the notice on the lot or
12 ground upon which the nuisance is to be abated and removed. Within
13 five days after receipt of such notice or publication or posting,
14 whichever is applicable, if the owner or occupant of the lot or
15 piece of ground does not request a hearing with the city or fails
16 to comply with the order to abate and remove the nuisance, the city
17 may have such work done. The costs and expenses of any such work
18 shall be paid by the owner. If unpaid for two months after such
19 work is done, the city may either (a) levy and assess the costs and
20 expenses of the work upon the lot or piece of ground so benefited
21 in the same manner as other special taxes for improvements are
22 levied and assessed or (b) recover in a civil action the costs
23 and expenses of the work upon the lot or piece of ground and the
24 adjoining streets and alleys.

25 (5) For purposes of this section:

1 (a) Litter includes, but is not limited to: (i) Trash,
2 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
3 plaster, cement, brick, or stone building rubble; (iii) grass,
4 leaves, and worthless vegetation; (iv) offal and dead animals;
5 and (v) any machine or machines, vehicle or vehicles, or parts of
6 a machine or vehicle which have lost their identity, character,
7 utility, or serviceability as such through deterioration,
8 dismantling, or the ravages of time, are inoperative or unable to
9 perform their intended functions, or are cast off, discarded, or
10 thrown away or left as waste, wreckage, or junk; and

11 (b) Weeds includes, but is not limited to, bindweed
12 (Convolvulus arvensis), puncture vine (Tribulus terrestris),
13 leafy spurge (Euphorbia esula), Canada thistle (Cirsium arvense),
14 perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea
15 picris), Johnson grass (Sorghum halepense), nodding or musk
16 thistle, quack grass (Agropyron repens), perennial sow thistle
17 (Sonchus arvensis), horse nettle (Solanum carolinense), bull
18 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (tourn),
19 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae); ~~and-~~

20 (c) Weeds, grasses, and worthless vegetation does not
21 include vegetation applied or grown on a lot or piece of ground
22 outside the corporate limits of the city but inside the city's
23 extraterritorial zoning jurisdiction expressly for the purpose of
24 weed or erosion control.

25 (6) A city of the first class by ordinance may declare it

1 to be a nuisance to permit or maintain any growth of eight inches
2 or more in height of weeds, grasses, or worthless vegetation on any
3 lot or piece of ground located within the corporate limits of the
4 city during any calendar year if, within the same calendar year,
5 the city has, pursuant to subsection (4) of this section, acted
6 to remove weeds, grasses, or worthless vegetation exceeding twelve
7 inches in height on the same lot or piece of ground and had to seek
8 recovery of the costs and expenses of such work from the owner.

9 Sec. 6. Section 17-405.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 17-405.01 (1) Except as provided in subsection (2) of
12 this section and section 7 of this act, the mayor and council
13 of any city of the second class or the chairperson and members
14 of the board of trustees of any village may by ordinance, except
15 as provided in sections 13-1111 to 13-1118, at any time, include
16 within the corporate limits of such city or village any contiguous
17 or adjacent lands, lots, tracts, streets, or highways as are
18 urban or suburban in character, and in such direction as may
19 be deemed proper. Such grant of power shall not be construed as
20 conferring power to extend the limits of any municipality over any
21 agricultural lands which are rural in character.

22 (2) The mayor and city council of any city of the
23 second class or the chairperson and members of the board of
24 trustees of any village may, by ordinance, annex any lands, lots,
25 tracts, streets, or highways which constitute a redevelopment

1 project area so designated by the city or village or its community
2 redevelopment authority in accordance with the provisions of the
3 Community Development Law and sections 18-2145 to 18-2154 when such
4 annexation is for the purpose of implementing a lawfully adopted
5 redevelopment plan containing a provision dividing ad valorem
6 taxes as provided in subsection (1) of section 18-2147 and which
7 will involve the construction or development of an agricultural
8 processing facility, notwithstanding that such lands, lots, tracts,
9 streets, or highways are not contiguous or adjacent or are not
10 urban or suburban in character. Such annexation shall comply with
11 all other provisions of law relating to annexation generally for
12 cities of the second class and villages. The city or village shall
13 not, in consequence of the annexation under this subsection of any
14 noncontiguous land, exercise the authority granted to it by statute
15 to extend its jurisdiction beyond its corporate boundaries for
16 purposes of planning, zoning, or subdivision development without
17 the agreement of any other city, village, or county currently
18 exercising such jurisdiction over the area surrounding the annexed
19 redevelopment project area. The annexation of any noncontiguous
20 land undertaken pursuant to this subsection shall not result in
21 any change in the service area of any electric utility without
22 the express agreement of the electric utility serving the annexed
23 noncontiguous area at the time of annexation, except that at such
24 time following the annexation of the noncontiguous area as the city
25 or village lawfully annexes sufficient intervening territory so as

1 to directly connect the noncontiguous area to the main body of
2 the city or village, such noncontiguous area shall, solely for the
3 purposes of section 70-1008, be treated as if it had been annexed
4 by the city or village on the date upon which the connecting
5 intervening territory had been formally annexed.

6 (3) For the purposes of subsection (2) of this section,
7 agricultural processing facility means a plant or establishment
8 where value is added to agricultural commodities through
9 processing, fabrication, or other means and where eighty percent
10 or more of the direct sales from the facility are to other than
11 the ultimate consumer of the processed commodities. A facility
12 shall not qualify as an agricultural processing facility unless its
13 construction or development involves the investment of more than
14 one million dollars derived from nongovernmental sources.

15 Sec. 7. (1) The provisions of this section shall govern
16 annexation by a city of the second class or village located in
17 whole or in part within the boundaries of a county having a
18 population in excess of one hundred thousand inhabitants but less
19 than two hundred thousand inhabitants.

20 (2) The mayor and council of any city of the second
21 class or the chairperson and members of the board of trustees
22 of any village described in subsection (1) of this section may
23 by ordinance, except as provided in sections 13-1111 to 13-1118,
24 at any time include within the corporate limits of such city or
25 village any contiguous or adjacent lands, lots, tracts, streets,

1 or highways as are urban or suburban in character and in such
2 direction as may be deemed proper. Such grant of power shall
3 not be construed as conferring power to extend the limits of any
4 such municipality over any agricultural lands which are rural in
5 character.

6 (3) Not later than fourteen days prior to the public
7 hearing before the planning commission on a proposed annexation
8 by the city or village, the city or village clerk shall send
9 notice of the proposed annexation by certified mail, return receipt
10 requested, to any of the following entities serving customers in
11 such city or village or in the area proposed for annexation: Any
12 natural gas public utility as defined in section 66-1802; any
13 natural gas utility owned or operated by the city or village;
14 any metropolitan utilities district; any public power district;
15 any public power and irrigation district; any municipality; any
16 electric cooperative; and any other governmental entity providing
17 electric service. Such notice shall include a copy of the proposed
18 annexation ordinance, the date, time, and place of the public
19 hearing before the planning commission on the proposed annexation
20 ordinance, and a map showing the boundaries of the area proposed
21 for annexation.

22 (4) Prior to the final adoption of the annexation
23 ordinance, the minutes of the city council or village board
24 meeting at which such final adoption was considered shall reflect
25 formal compliance with the provisions of subsection (3) of this

1 section.

2 (5) No additional or further notice beyond that required
3 by subsection (3) of this section shall be necessary in the event
4 (a) that the scheduled city council or village board public hearing
5 on the proposed annexation is adjourned, continued, or postponed
6 until a later date or (b) that subsequent to providing such notice
7 the ordinance regarding such proposed annexation was amended,
8 changed, or rejected by action of the city council or village board
9 prior to formal passage of the annexation ordinance.

10 (6) Except for a willful or deliberate failure to cause
11 notice to be given, no annexation decision made by a city of the
12 second class or village either to accept or reject a proposed
13 annexation, either in whole or in part, shall be void, invalidated,
14 or affected in any way because of any irregularity, defect, error,
15 or failure on the part of the city or village or its employees
16 to cause notice to be given as required by this section if a
17 reasonable attempt to comply with this section was made.

18 (7) Except for a willful or deliberate failure to cause
19 notice to be given, the city or village and its employees shall
20 not be liable for any damage to any person resulting from any
21 failure to cause notice to be given as required by this section
22 when a reasonable attempt was made to provide such notice. No
23 action for damages resulting from the failure to cause notice to be
24 provided as required by this section shall be filed more than one
25 year following the date of the formal acceptance or rejection of

1 the proposed annexation, either in whole or in part, by the city
2 council or village board.

3 (8) No action to challenge the validity of the acceptance
4 or rejection of a proposed annexation on the basis of this section
5 shall be filed more than one year following the date of the formal
6 acceptance or rejection of the annexation by the city council or
7 village board.

8 Sec. 8. Section 17-563, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 17-563 (1) ~~Each~~ Except as provided in subsection (6) of
11 this section, a city of the second class and village by ordinance
12 (a) may require lots or pieces of ground within the city or village
13 to be drained or filled so as to prevent stagnant water or any
14 other nuisance accumulating thereon, (b) ~~It~~ may require the
15 owner or occupant of any lot or piece of ground within the city
16 or village to keep the lot or piece of ground and the adjoining
17 streets and alleys free of any growth of twelve inches or more in
18 height of weeds, grasses, or worthless vegetation, and ~~it~~ (c) may
19 prohibit and control the throwing, depositing, or accumulation of
20 litter on any lot or piece of ground within the city or village.

21 (2) ~~Any~~ Except as provided in subsection (6) of this
22 section, any city of the second class and village may by ordinance
23 declare it to be a nuisance to permit or maintain any growth of
24 twelve inches or more in height of weeds, grasses, or worthless
25 vegetation or to litter or cause litter to be deposited or remain

1 thereon except in proper receptacles.

2 (3) Any owner or occupant of a lot or piece of ground
3 shall, upon conviction of violating ~~such~~ any ordinance authorized
4 under this section, be guilty of a Class V misdemeanor.

5 (4) Notice to abate and remove such nuisance shall be
6 given to each owner or owner's duly authorized agent and to the
7 occupant, if any, by personal service or certified mail. If notice
8 by personal service or certified mail is unsuccessful, notice shall
9 be given by publication in a newspaper of general circulation in
10 the city or by conspicuously posting the notice on the lot or
11 ground upon which the nuisance is to be abated and removed. Within
12 five days after receipt of such notice or publication or posting,
13 whichever is applicable, if the owner or occupant of the lot or
14 piece of ground does not request a hearing with the city or village
15 or fails to comply with the order to abate and remove the nuisance,
16 the city or village may have such work done. The costs and expenses
17 of any such work shall be paid by the owner. If unpaid for two
18 months after such work is done, the city or village may either (a)
19 levy and assess the costs and expenses of the work upon the lot or
20 piece of ground so benefited in the same manner as other special
21 taxes for improvements are levied and assessed or (b) recover in
22 a civil action the costs and expenses of the work upon the lot or
23 piece of ground and the adjoining streets and alleys.

24 (5) For purposes of this section:

25 (a) Litter includes, but is not limited to: (i) Trash,

1 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
2 plaster, cement, brick, or stone building rubble; (iii) grass,
3 leaves, and worthless vegetation; (iv) offal and dead animals;
4 and (v) any machine or machines, vehicle or vehicles, or parts of
5 a machine or vehicle which have lost their identity, character,
6 utility, or serviceability as such through deterioration,
7 dismantling, or the ravages of time, are inoperative or unable to
8 perform their intended functions, or are cast off, discarded, or
9 thrown away or left as waste, wreckage, or junk; and

10 (b) Weeds includes, but is not limited to, bindweed
11 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*),
12 leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),
13 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*
14 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk
15 thistle, quack grass (*Agropyron repens*), perennial sow thistle
16 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull
17 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),
18 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

19 (6) A city of the second class or village by ordinance
20 may declare it to be a nuisance to permit or maintain any growth
21 of eight inches or more in height of weeds, grasses, or worthless
22 vegetation on any lot or piece of ground located within the
23 corporate limits of the city or village during any calendar year
24 if, within the same calendar year, the city has, pursuant to
25 subsection (4) of this section, acted to remove weeds, grasses, or

1 worthless vegetation exceeding twelve inches in height on the same
 2 lot or piece of ground and had to seek recovery of the costs and
 3 expenses of such work from the owner.

4 Sec. 9. Section 19-916, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 19-916 ~~(1)~~ The proprietor or proprietors of any land
 7 within the corporate limits of any city of the first or second
 8 class or village, or of any land within the area designated by
 9 a city of the first class pursuant to subsection ~~(1)~~ of section
 10 16-902 or within the area designated by a city of the second
 11 class or village pursuant to subsection ~~(1)~~ of section 17-1002,
 12 may lay out such land into lots, blocks, streets, avenues, alleys,
 13 and other grounds under the name of Addition to the
 14 City or Village of, and shall cause an accurate map
 15 or plat thereof to be made out, designating explicitly the land
 16 so laid out and particularly describing the lots, blocks, streets,
 17 avenues, alleys, and other grounds belonging to such addition. The
 18 lots shall be designated by numbers, and streets, avenues, and
 19 other grounds, by names or numbers. Such plat shall be acknowledged
 20 before some officer authorized to take the acknowledgments of
 21 deeds, and shall contain a dedication of the streets, alleys,
 22 and public grounds therein to the use and benefit of the public,
 23 and have appended a survey made by some competent surveyor with
 24 a certificate attached, certifying that he or she has accurately
 25 surveyed such addition and that the lots, blocks, streets, avenues,

1 alleys, parks, commons, and other grounds are well and accurately
2 staked off and marked. When such map or plat is so made out,
3 acknowledged, and certified, and has been approved by the local
4 legislative body, the same shall be filed and recorded in the
5 office of the register of deeds and county assessor of the county.

6 (1) The local legislative body shall have power by
7 ordinance to provide the manner, plan, or method by which land
8 within the corporate limits of any such municipality, or land
9 within the area designated by a city of the first class pursuant
10 to subsection (1) of section 16-902 or within the area designated
11 by a city of the second class or village pursuant to subsection
12 (1) of section 17-1002, may be subdivided, platted, or laid out,
13 including a plan or system for the avenues, streets, or alleys to
14 be laid out within or across such land, and to compel the owners
15 of any such land that are subdividing, platting, or laying out such
16 land to conform to the requirements of the ordinance and to lay
17 out and dedicate the avenues, streets, and alleys in accordance
18 with the ordinance as provided in sections 16-901 to 16-905 and
19 sections 17-1001 to 17-1004. No addition shall have any validity,
20 right, or privileges as an addition, and no plat of land or, in
21 the absence of a plat, no instrument subdividing land within the
22 corporate limits of any such municipality or of any land within the
23 area designated by a city of the first class pursuant to subsection
24 (1) of section 16-902 or within the area designated by a city of
25 the second class or village pursuant to subsection (1) of section

1 17-1002, shall be recorded or have any force or effect, unless
2 the plat or instrument is approved by the legislative body, or its
3 designated agent, and the legislative body's or agent's approval is
4 endorsed on such plat or instrument.

5 (2) The legislative body may designate by ordinance an
6 employee of such city or village to approve further subdivision of
7 existing lots and blocks whenever all required public improvements
8 have been installed, no new dedication of public rights-of-way
9 or easements is involved, and such subdivision complies with the
10 ordinance requirements concerning minimum areas and dimensions of
11 such lots and blocks.

12 ~~(3) Upon approval by the legislative body or its~~
13 ~~designated agent, such plat shall be equivalent to a deed in~~
14 ~~fee simple absolute to the municipality from the proprietor of all~~
15 ~~streets, avenues, alleys, public squares, parks and commons, and~~
16 ~~of such portion of the land as is therein set apart for public~~
17 ~~and municipal use, or is dedicated to charitable, religious, or~~
18 ~~educational purposes.~~

19 All additions thus laid out and previously located within
20 the corporate boundaries of the municipality shall remain a part of
21 the municipality.

22 ~~(4)~~ (3) All additions laid out adjoining ~~or~~ contiguous
23 or adjacent to the corporate limits may be included within the
24 corporate limits and become a part of such municipality for all
25 purposes whatsoever if approved by the legislative body of the city

1 or village under this subsection. The proprietor or proprietors of
2 any land within the corporate limits of any city of the first or
3 second class or village, or of any land contiguous or adjacent
4 to the corporate limits, may lay out such land into lots, blocks,
5 streets, avenues, alleys, and other grounds under the name of
6 Addition to the City or Village of, and shall
7 cause an accurate map or plat thereof to be made out, designating
8 explicitly the land so laid out and particularly describing the
9 lots, blocks, streets, avenues, alleys, and other grounds belonging
10 to such addition. The lots shall be designated by numbers, and
11 streets, avenues, and other grounds, by names or numbers. Such
12 plat shall be acknowledged before some officer authorized to take
13 the acknowledgments of deeds, shall contain a dedication of the
14 streets, alleys, and public grounds therein to the use and benefit
15 of the public, and shall have appended a survey made by some
16 competent surveyor with a certificate attached, certifying that he
17 or she has accurately surveyed such addition and that the lots,
18 blocks, streets, avenues, alleys, parks, commons, and other grounds
19 are well and accurately staked off and marked. The addition may
20 become part of the municipality at such time as the addition is
21 approved by the legislative body if (a) after giving notice of
22 the time and place of the hearing as provided in section 19-904,
23 the planning commission and the legislative body both hold public
24 hearings on the inclusion of the addition within the corporate
25 limits. Such hearings shall be separate from the public hearings

1 ~~held regarding approval of the addition~~ and (b) the legislative
2 body votes to approve the inclusion of the addition within the
3 corporate boundaries of the municipality in a separate vote from
4 the vote approving the addition. Such hearings shall be separate
5 from the public hearings held regarding approval of the addition.
6 If the legislative body includes the addition within the corporate
7 limits, the inhabitants of such addition shall be entitled to all
8 the rights and privileges, and shall be subject to all the laws,
9 ordinances, rules, and regulations of the municipality to which
10 such land is an addition. When such map or plat is made out,
11 acknowledged, and certified, and has been approved by the local
12 legislative body, the map or plat shall be filed and recorded in
13 the office of the register of deeds and county assessor of the
14 county. If the legislative body includes the addition within the
15 corporate limits, such map or plat shall be equivalent to a deed
16 in fee simple absolute to the municipality from the proprietor of
17 all streets, avenues, alleys, public squares, parks, and commons,
18 and of such portion of the land as is therein set apart for public
19 and municipal use, or is dedicated to charitable, religious, or
20 educational purposes.

21 ~~(5)~~ The local legislative body shall have power by
22 ordinance to provide the manner, plan, or method by which land
23 within the corporate limits of any such municipality, or land
24 within the area designated by a city of the first class pursuant
25 to subsection ~~(1)~~ of section 16-902 or within the area designated

1 by a city of the second class or village pursuant to subsection
2 ~~(1)~~ of section 17-1002, may be subdivided, platted, or laid out,
3 including a plan or system for the avenues, streets, or alleys to
4 be laid out within or across the same, and to compel the owners
5 of any such land in subdividing, platting, or laying out the same
6 to conform to the requirements of the ordinance and to lay out and
7 dedicate the avenues, streets, and alleys in accordance therewith.
8 No addition shall have any validity, right, or privileges as an
9 addition, and no plat of land or, in the absence of a plat, no
10 instrument subdividing land within the corporate limits of any such
11 municipality or of any land within the area designated by a city
12 of the first class pursuant to subsection ~~(1)~~ of section 16-902 or
13 within the area designated by a city of the second class or village
14 pursuant to subsection ~~(1)~~ of section 17-1002, shall be recorded
15 or have any force or effect, unless the same be approved by the
16 legislative body, or its designated agent, and its or his or her
17 approval endorsed thereon.

18 Sec. 10. Original sections 15-268, 16-117, 16-230,
19 17-405.01, 17-563, and 19-916, Reissue Revised Statutes of
20 Nebraska, are repealed.